

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

12/04/02 10:02

TIMOTHY J. NOLAN and)
MARIE F. NOLAN)
Plaintiffs)
vs.) C.A. No.: 02-12228-WGY
ALLEN KRAJCIK; WILLIAM FULCHER;)
STANLEY BATES; KEVIN PAICOS; and)
THE TOWN OF EASTON)
Defendants)

DEFENDANTS' ANSWER TO THE COMPLAINT

1. The defendants deny jurisdiction rests with this court.
2. The defendants deny venue is proper.
3. The defendants are without sufficient information to admit or deny this allegation.
4. The defendants are without sufficient information to admit or deny this allegation.
5. Admitted that this defendant is a public employee of the Town of Easton, only.
Denied that this individual is a proper defendant.
6. Admitted that this defendant is a public employee of the Town of Easton, only.
Denied that this individual is a proper defendant
7. Admitted that this defendant is a public employee of the Town of Easton, only.
Denied that this individual is a proper defendant.

8. Admitted that this defendant is a public employee of the Town of Easton, only.
Denied that this individual is a proper defendant.
9. The defendants admit this allegation.
10. The defendants admit this allegation.
11. The defendants deny this allegation as phrased.
12. The defendants deny this allegation.
13. The defendants deny this allegation as phrased.
14. The defendants deny this allegation as phrased.
15. The defendants deny this allegation as phrased.
16. The defendants deny this allegation as phrased.
17. The defendants deny this allegation as phrased.
18. Admitted only that the plaintiff so responded. Denied that he peaceably returned to his seat.
19. The defendants deny this allegation.
20. Admitted only that the defendants were present at the Town meeting.
21. The defendants deny this allegation.
21. (sic) The defendants deny this allegation.
22. The defendants deny this allegation.
23. The defendants deny this allegation as phrased.
24. The defendants deny this allegation.
25. The defendants deny this allegation.
26. The defendants deny this allegation.
27. Admitted that Nolan was neither arrested nor charged. Otherwise, denied.

28. The defendants admit this allegation.
29. Admitted only that said correspondence, which must speak for itself, was written and sent.
30. The defendants deny this allegation as phrased.
31. The defendants deny this allegation as phrased.
32. The defendants deny this allegation as phrased.
33. The defendants deny this allegation as phrased.
34. The defendants deny this allegation.
35. The defendants deny this allegation as phrased.

COUNT I

36. The defendants incorporate by reference its responses to paragraphs 1 through 35 above with the same force and effect as if fully set out herein.
37. Admitted only that the named defendants were acting within the course and scope of their employment as police officers of the Town of Easton.

38. The defendants deny this allegation.

WHEREFORE, the defendants pray this court dismiss Count I of the plaintiff's complaint with prejudice and with costs.

COUNT II

39. The defendants incorporate by reference its responses to paragraphs 1 through 38 above with the same force and effect as if fully set out herein.
40. The defendants deny this allegation.

WHEREFORE, the defendants pray this court dismiss Count II of the plaintiff's complaint with prejudice and with costs.

COUNT III

41. The defendants incorporate by reference its responses to paragraphs 1 through 40 above with the same force and effect as if fully set out herein.

42. Admitted only that the named defendants were acting in the course and scope of their employment as public employees of the Town of Easton.

43. The defendants deny this allegation.

44. The defendants deny this allegation.

45. The defendants deny this allegation.

WHEREFORE, the defendants pray this court dismiss Count III of the plaintiff's complaint with prejudice and with costs.

COUNT IV

46. The defendant incorporates by reference its responses to paragraphs 1 through 45 above with the same force and effect as if fully set out herein.

47. The defendants deny this allegation.

WHEREFORE, the defendants pray this court dismiss Count IV of the plaintiff's complaint with prejudice and with costs.

COUNT V

48. The defendant incorporates by reference its responses to paragraphs 1 through 47 above with the same force and effect as if fully set out herein.

49. The defendants deny this allegation.

50. The defendants deny this allegation.

WHEREFORE, the defendants pray this court dismiss Count V of the plaintiff's complaint with prejudice and with costs.

COUNT VI

51. The defendant incorporates by reference its responses to paragraphs 1 through 50 above with the same force and effect as if fully set out herein.

52. The defendants deny this allegation.

53. The defendants deny this allegation.

54. The defendants deny this allegation.

55. The defendants deny this allegation.

WHEREFORE, the defendant demands the plaintiff's complaint be dismissed with costs and with prejudice.

COUNT VII

56. The defendant incorporates by reference its responses to paragraphs 1 through 55 above with the same force and effect as if fully set out herein.

57. The defendants deny this allegation.

58. The defendants deny this allegation.

WHEREFORE, the defendant demands the plaintiff's complaint be dismissed with costs and with prejudice.

COUNT VIII

59. The defendant incorporates by reference its responses to paragraphs 1 through 58 above with the same force and effect as if fully set out herein.

60. The defendants deny this allegation.

61. The defendants deny this allegation.

62. The defendants deny this allegation.

63. The defendants deny this allegation.

WHEREFORE, the defendant demands the plaintiff's complaint be dismissed with costs and with prejudice.

COUNT IX

64. The defendant incorporates by reference its responses to paragraphs 1 through 63 above with the same force and effect as if fully set out herein.

65. The defendants deny this allegation.

WHEREFORE, the defendant demands the plaintiff's complaint be dismissed with costs and with prejudice.

AFFIRMATIVE DEFENSES

1. The plaintiffs' complaint fails to state a cause of action for which relief may be granted.

2. This court lacks jurisdiction over the defendants.

3. The plaintiffs have failed to commence this action in the appropriate venue.

4. The plaintiffs' complaint should be dismissed as the plaintiff is guilty of laches and the defendants have suffered prejudice as a result of the plaintiffs' delay.

5. The acts or omissions of the municipality, as alleged by the plaintiffs' complaint, are not of a nature that entitle the plaintiffs to recovery under M.G.L. ch. 258 or related law, statutes or regulations.

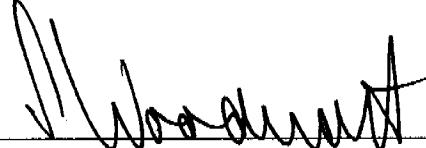
6. The plaintiffs' action is barred by the provisions of M.G.L. ch. 258.

7. The plaintiffs have failed to properly present her claim pursuant to M.G.L. ch. 258.

8. If the plaintiffs have suffered damages as a result of the acts or omissions of the defendant, which the defendants expressly deny, the plaintiffs' damages are limited by those statutes applicable to municipal tort liability.

JURY CLAIM

The defendants demand a trial by jury as to all triable issues.



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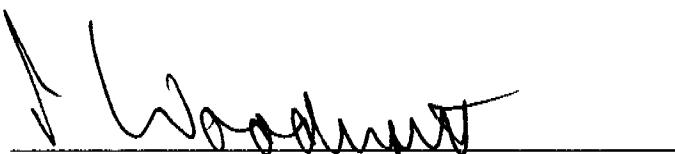
Dated: December 3, 2002

/tc

CERTIFICATE OF SERVICE

I, Stephen M.A. Woodworth, do hereby certify that on this 3rd day of December, 2002, 1999, I served the foregoing Defendants' Answer to the Plaintiffs' Complaint by mailing copies thereof, postage prepaid to all counsel of record:

Paul J. Adams, Esq.
Law Office of Paul Adams
21 Torrey Street
Brockton, MA 02301



Stephen M.A. Woodworth

/tc